

## **FREDERICK COUNTY REGULATION**

### **Moderately Priced Dwelling Unit (MPDU) Program Payment In Lieu Option**

Frederick County Housing and Community Development

**SUMMARY:** This regulation establishes a Payment to the Frederick County Housing Initiative Fund (HIF) in lieu of building MPDUs consistent with §1-6A-5.1 of the Frederick County Code.

**ADDRESSES:** Information and copies of this regulation are available from the Department of Housing and Community Development (Department), 520 North Market Street, Frederick, Maryland 21701, or online at [www.co.frederick.md.us/housing](http://www.co.frederick.md.us/housing).

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**BACKGROUND INFORMATION:**

Chapter 6A (Section 1-6A-5.1 of the Frederick County Code, establishes an option to pay fees in lieu of building the required number of MPDUs. This regulation sets forth the process for the Director or designee of the Department of Housing and Community Development to implement the MPDU Payment in Lieu option.

#### **Payment In Lieu Option**

As specified in Chapter 6, Section 1-6A-5.1, it is possible to fulfill the MPDU requirement through a Payment in Lieu Option instead of building the required number of MPDUs in a proposed development.

An applicant may choose to make a payment to the Frederick County Housing Initiative Fund of \$17,500 per required MPDU. This option shall remain in effect until changed by later regulation or ordinance, or until the end of the sunset period on September 6, 2016.

#### **Process for Approval of Payment in Lieu Option**

The applicant must include a statement in the notes to the preliminary plan or site plan, whichever comes first, for the development that the applicant is choosing the Payment in Lieu Option to satisfy the MPDU requirements. The notes must also include the number of MPDUs that would otherwise be required to be built in the development.

Except as provided below, the applicant must indicate its choice of the Payment in Lieu Option to the Director at the time of submittal of the preliminary plan or site plan. The proposed Payment in Lieu Option must be included in the notes on the preliminary plan and the site plan, if any. A Payment in Lieu Option Agreement between the applicant and the County that meets the requirements of §1-6A-5.1 must be approved by the Department and the County Attorney's Office.

For those projects that already have preliminary plan or site plan approval as of September 6, 2011, and that have already signed an Agreement to Build, an amendment may be requested after approval of this regulation as necessary to afford an applicant the opportunity to exercise the Payment in Lieu Option.

The Payment in Lieu will be prorated over the total number of residential units in the development and shall be paid per unit at the time of building permit application.

These regulations shall remain in effect through September 6, 2016, and shall expire and be of no further force and effect at midnight on September 6, 2016.

Approved by Board of County Commissioners of Frederick County September 6, 2011